## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	NITED STATES OF AMERICA,	) 0.44CD254			
	Plaintiff,	) 8:11CR251 )			
	vs.	) DETENTION ORDER			
DE	EWEY DEAN MILLER,				
	Defendant.	}			
A.	Order For Detention After conducting a detention hearing pur Reform Act on August 17, 2011, the C detained pursuant to 18 U.S.C. § 3142(e)	rsuant to 18 U.S.C. § 3142(f) of the Bail court orders the above-named defendant and (i).			
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X             By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.             X             By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>				
C.	The Court's findings are based on the evidence which was presented in court and contained in the Pretrial Services Report, and includes the following:  X (1) Nature and circumstances of the offense charged:  X (a) The crime: a conspiracy to distribute and possess with intent to distribute methamphetamine (Count I) in violation of 21 U.S.C. § 846 carries a minimum sentence of five years imprisonment and a maximum of forty years imprisonment.  (b) The offense is a crime of violence.  (c) The offense involves a narcotic drug.  (d) The offense involves a large amount of controlled substances, to wit:				
	may affect whe The defendant X The defendant X The defendant The defendant i The defendant ties.  Past conduct of X The defendant	appears to have a mental condition which ther the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. s not a long time resident of the community does not have any significant community f the defendant: has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record. has a prior record of failure to appear at			

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		(b)		e of the current arrest, the defendant was on: Probation
			F	Parole Release pending trial, sentence, appeal or completion of entence.
		(c)	Other Fac	etors:
				he defendant is an illegal alien and is subject to eportation.
			T	he defendant is a legal alien and will be subject to
				eportation if convicted. The Bureau of Immigration and Custom Enforcement
			(I	BICE) has placed a detainer with the U.S. Marshal. Other:
Χ	(4)	The r	nature and	seriousness of the danger posed by the defendant's
	( · )	releas	se are as fo	llows: The nature of the charges in the Indictment and the stance abuse and criminal history.
Χ	(5)	Rebu	ttable Pre	sumptions
	` ,	In det	ermining th	at the defendant should be detained, the Court also relied
				g rebuttable presumption(s) contained in 18 U.S.C. § le Court finds the defendant has not rebutted:
	X			condition or combination of conditions will reasonably
		_ ` `		e appearance of the defendant as required and the safety
				er person and the community because the Court finds that
			the crime	
				<ol> <li>A crime of violence; or</li> <li>An offense for which the maximum penalty is life</li> </ol>
			\	imprisonment or death; or
			<u>X</u> (3	3) A controlled substance violation which has a maximum
			,	penalty of 10 years or more; or
			(2	4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3)
				above, and the defendant has a prior conviction for
				one of the crimes mentioned in (1) through (3) above
				which is less than five years old and which was
				committed while the defendant was on pretrial release.
	X	(b)		condition or combination of conditions will reasonably
				e appearance of the defendant as required and the safety
			cause to	mmunity because the Court finds that there is probable
				1) That the defendant has committed a controlled
			(	substance violation which has a maximum penalty of
				10 years or more.
			(2	2) That the defendant has committed an offense under 18
				U.S.C. § 924(c) (uses or carries a firearm during and
				in relation to any crime of violence, including a crime of
				violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous
				weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable,

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from persons awaiting or serving sentences or being held in custody pending appeal;

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 17, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge